

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

e.DIGITAL CORPORATION,

Plaintiff,

v.

AVID TECHNOLOGY, INC.; CASIO
AMERICA, INC.; LG ELECTRONICS
USA, INC.; NIKON, INC.; OLYMPUS
AMERICA INC.; SAMSUNG
ELECTRONICS AMERICA, INC.; and
SANYO NORTH AMERICA
CORPORATION,

Defendants.

Civil Action No. 2:08-cv-00093-DF-CE

Hon. D. Folsom

JURY TRIAL DEMANDED

**ORDER DISMISSING ALL CLAIMS OF
UNITED STATES PATENT NOS. 5,787,445 AND 5,839,108 BETWEEN e.DIGITAL
CORPORATION AND SAMSUNG ELECTRONICS AMERICA, INC.**

Having considered the Stipulation Between e.Digital and Samsung Regarding Dismissal of All Claims of United States Patent Nos. 5,787,445 and 5,839,108 and good cause appearing therefor, IT IS HEREBY ORDERED, as follows:

1. All claims by e.Digital Corporation of infringement relating to U.S. Patent Nos. 5,787,445 (“the ‘445 patent”) and 5,839,108 (“the ‘108 patent”) that have been or could have been brought in this lawsuit against Samsung Electronics America, Inc., or related Samsung entities that could have been named in this lawsuit, are hereby dismissed with prejudice.

2. All declaratory judgment counterclaims by Samsung Electronics America, Inc. of non-infringement relating to the ‘445 and ‘108 patents that have been brought in this lawsuit are hereby dismissed with prejudice.

3. All declaratory judgment counterclaims by Samsung Electronics America, Inc. of invalidity relating to the '445 and '108 patents are hereby dismissed without prejudice.

4. The parties represent that as of the filing date of this Stipulation, and in view of the paragraphs above, there is no current case or controversy between them within the meaning of the Declaratory Judgment Act with respect to the '445 and '108 patents.

5. Each party is to bear its own costs and attorneys' fees with respect to the '445 and '108 patents.

SIGNED this 3rd day of April, 2009.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE